

APPLICATION FOR REISSUE OF UNITED STATES LETTERS PATENT

DECLARATION AND POWER OF ATTORNEY

We, ⁴⁰¹⁻⁸⁰Seymour F. Trager, a citizen of the United States residing at 14 Sherwood Drive, Plainview, ^{NY}N.Y. 11803, and ⁴⁰¹⁻⁸⁰Victoria S. Chylinski, a citizen of England residing at 11 Peghouse Rise, Slad Road, ^{GB2}Stroud, Glos., England, pray that we may be allowed to surrender United States Letters Patent No. 4,540,568 for an INJECTIONABLE VISCOELASTIC OPHTHALMIC GEL granted on September 10, 1985. Filed herewith is an order for a Title Report, as required in these cases. The original Letters Patent will be forwarded to the Patent and Trademark Office in due course.

We further declare that we are the original, first and joint inventors of the subject matter claimed in said Letters Patent, and in the foregoing specification; that we have reviewed and understand the contents of the foregoing specification, including the claims; that we acknowledge the duty to disclose information of which we are aware which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56(a); and that we verily believe the original patent to be wholly or partially inoperative or invalid by reason of our claiming less than we had a right to claim in the patent.

Specifically, the invention described in the aforementioned Letters Patent encompassed not only a gel composition for use in ophthalmic surgical methods, but the method of use of the gel in said surgical methods as well. Thus, the failure to include

claims directed to an ophthalmic surgical method comprising administration of the gel composition resulted in our claiming less than we had a right to claim.

We further declare that the failure to include such method claims arose without deceptive intent due to our limited knowledge of United States patent procurement procedure. That is, we did not realize at the time that the Letters Patent in question was being prosecuted that protection for the method of use of the gel composition was possible. It was only after we were involved in the preparation of a companion case in which claims directed toward the method of use of a composition were proposed that we realized that method claim protection could have and should have been sought in Letters Patent No. 4,540,568.

We hereby appoint the following as our attorneys of record and/or agents with full power of substitution and revocation to prosecute this application and transact all business in the United States Patent and Trademark Office.

Harold C. Wegner, Reg. No. 25,258; Barry E. Bretschneider, Reg. No. 28,055; Helmuth A. Wegner, Reg. No. 17,033; Ronald R. Snider, Reg. No. 24,962; Douglas P. Mueller, Reg. No. 30,300; Herbert I. Cantor, Reg. No. 24,392; Franklin D. Wolffe, Reg. No. 19,724; Elizabeth Lassen, Reg. No. 31,845; Evelyn K. Merker, Reg. No. 19,605; Linda S. Paine, Reg. No. *; William E. Player, Reg. No. 31,409; Mel R. Quintos, Reg. No. 31,898; J. Derek Vandenburg, Reg. No. 32,179; Kenneth E. Jaconetty, Reg. No. 32,508; and Lynn V. Kent, Reg. No. 31,904.

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We hereby declare that all statements made herein of our knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

June 15, 1987
Date

August 3rd, 1987.
Date

Seymour F. Trager
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Victoria S. Chylinski
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